

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: BICYCLIC METABOTROPIC GLUTAMATE RECEPTOR LIGANDS.

The specification of which was filed on July 17, 1998 as application serial no. 09/118,042.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>Application Number</u>	<u>Filing Date</u>
60/052,972	July 18, 1997
60/064,304	November 5, 1997

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such applications have been filed.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Arora, Suneel	Reg. No. P-42,267	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Bernkopf, Paul A.	Reg. No. 41,615	Hale, Jeffrey D.	Reg. No. 40,012	Mates, Robert E.	Reg. No. 35,271
Bianchi, Timothy E.	Reg. No. 39,610	Harris, Robert J.	Reg. No. 37,346	McCrackin, Ann M.	Reg. No. 42,858
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Padys, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Huebsch, Joseph C.	Reg. No. 42,673	Polglaz, Daniel J.	Reg. No. 39,801
Brennan, Thomas F.	Reg. No. 35,075	Kalis, Janal M.	Reg. No. 37,650	Schwegman, Michael L.	Reg. No. 25,816
Brooks, Edward J., III	Reg. No. 40,925	Klima-Silberg, Catherine I.	Reg. No. 40,052	Steffert, Kent J.	Reg. No. 41,312
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Stifer, Russell D.	Reg. No. 39,838
Drake, Eduardo E.	Reg. No. 40,594	Lacy, Rodney L.	Reg. No. 41,136	Terry, Kathleen R.	Reg. No. 31,884
Dryja, Michael A.	Reg. No. 39,662	Leffert, Thomas W.	Reg. No. 40,697	Viksniņš, Ann S.	Reg. No. 37,748
Embretson, Janet E.	Reg. No. 39,665	Lemaire, Charles A.	Reg. No. 36,198	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:  
P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Alan P. Kozikowski  
Citizenship: United States of America Residence: Princeton, NJ  
Post Office Address: 45 Cameron Ct.  
Princeton, NJ 08540

Signature: \_\_\_\_\_

Alan P. Kozikowski

Date: \_\_\_\_\_

Sept 8, 1998

Full Name of joint inventor number 2 : Darryl Hugh Steensma  
Citizenship: United States of America Residence: New York, NY  
Post Office Address: 330 East 84th Street 3 Fifth Street  
New York, NY 10028 Weehawken, NJ 07087

Signature: \_\_\_\_\_

Darryl Hugh Steensma

Date: \_\_\_\_\_

October 7, 1998

Full Name of joint inventor number 3 : Werner Tueckmantel  
Citizenship: Germany Residence: Washington, DC  
Post Office Address: 2500 Wisconsin Ave. NW 15  
Apt. 945  
Washington, DC 20007

Signature: \_\_\_\_\_

Werner Tueckmantel

Date: \_\_\_\_\_

September 8, 1998

Full Name of joint inventor number 4 : Gian Luca Araldi  
Citizenship: Italy Residence: Washington, DC  
Post Office Address: 3609 - 38th Street N.W.  
Apt. 403  
Washington, DC 20016

Signature: \_\_\_\_\_

Gian Luca Araldi

Date: \_\_\_\_\_

10/15/98

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kozikowski et al. :  
Appln. No.: 09/118,042 :  
Filed: July 17, 1998 :  
For: BICYCLIC METABOTROPIC GLUTAMATE : Atty Docket: ZAA-003.01  
RECEPTOR LIGANDS :

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on the date indicated below:

July 27, 1999

Date of Signature and Mail Deposit

By:

Carmen Parra  
Carmen Parra

Change of Address and Docket No. /Transmittal of Power of Attorney

Assistant Commissioner for Patents  
Washington, DC 20231  
Attn: Box Provisional

Dear Sir/Madam:

Effective immediately, all correspondence concerning the above-referenced patent application should be directed to:

Patent Group  
Foley, Hoag & Eliot, LLP  
One Post Office Square  
Boston, MA 02109

Tel: (617) 832-1000  
Fax: (617) 832-7000

Enclosed please find a copy of an original, executed Declaration and Power of Attorney form. Please change the Attorney Docket Number to ZAA-003.01

Respectfully submitted,  
FOLEY, HOAG & ELIOT LLP

Beth E. Arnold  
Beth E. Arnold  
Registration No. 35,430  
Attorney for Applicants

Patent Group  
FOLEY, HOAG & ELIOT LLP  
One Post Office Square  
Boston, MA 02109  
(617) 832-1000  
Date: July 27, 1999

In re Application of: Kozikowski et al.	:	
	:	
Appln. No.: 09/118,042	:	Art Unit:
	:	
Filed: July 17, 1998	:	Examiner:
	:	
For: <i>Bicyclic Metabotropic</i>	:	Atty Docket: ZAA-003.01
<i>Glutamate Receptor Ligands</i>	:	


Assistant Commissioner for Patents  
Washington, DC 20231

Georgetown University, the Assignee of the entire right, title, and interest in the above-captioned application by virtue of assignment hereby revokes all previous powers of attorney in the above-captioned application and appoints the following attorneys to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith:

Matthew P. Vincent, Reg. No. 36,709  
Donald W. Muirhead, Reg. No. 33,978  
Chinh Pham, Reg. No. 39,329  
Anita Varma, Reg. No. 43,221  
Isabelle M. Clauss, Reg. (*see attached*)

The undersigned (whose title is supplied below) is empowered to sign this Substitute Power of Attorney on behalf of the Assignee.

Dated: 7/24/99

  
~~XXXXXXXXXXXXXXXXXXXX~~  
 Research & Technology Development Center  
 Dr. Kenneth L. Dretchen  
 Dean of Research & Graduate Education

MAY 14 1999

MAY 14 1999

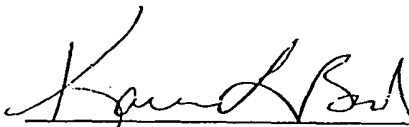
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Isabelle M. Clauss is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the Foley, Hoag & Eliot, LLP, law firm, to prepare and prosecute patent applications and to represent patent applicants wherein the applicants are clients of the Foley, Hoag & Eliot, LLP, law firm, and wherein a registered practitioner who is a member of the Foley, Hoag & Eliot, LLP, law firm, is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Isabelle M. Clauss ceases to lawfully reside in the United States; (ii) Isabelle M. Clauss's employment with the Foley, Hoag & Eliot, LLP, law firm ceases or is terminated, or (iii) Isabelle M. Clauss's ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 16, 1999

  
\_\_\_\_\_  
Karen L. Bovard, Director  
Office of Enrollment and Discipline